

[1]

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH**

S.B. CIVIL SECOND APPEAL NO.420/07

Bhuri Singh **Versus** Ballo & Ors.

DATE OF ORDER :: 19/07/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. H.P. Singh for Mr. V.S. Chauhan, for
appellant

* * *

This is plaintiff's second appeal. He lost the matter at both the stages.

A suit was filed by plaintiff-petitioner for permanent injunction and to restrain the defendant-respondents not to disturb his peaceful possession over Nohara, which according to him, came after partition in his favour made by his father.

Learned trial Judge framed issue No.1 in this regard. Since there was no documentary evidence came on record even by oral testimony, counsel was unable to prove that partition between two brothers have taken place. The said finding has been affirmed by learned Appellate Judge also in the appeal preferred by appellant.

The question which the appellant wants to stress in the instant appeal is a question of fact and both the courts below have recorded concurrent finding against him. No substantial question of law arises for consideration in the instant appeal.

[2]

Consequently, the appeal fails and is hereby dismissed.

[AJAY RASTOGI], J.

FRBOHRA, JR. P. A.